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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,463	03/29/2004	Horst Sipple	2001P13012WOUS	4675

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EXAMINER

KING, ANITA M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

This is the third office action for application number 10/813,463, Device for Leading and Holding Electrical Lines in a Swivel Region of Doors, filed on March 29, 2004.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 4, 2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "said sleeve portion" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 8, 9, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,838,234 to Peterson. Peterson discloses a device (H) for leading and holding electrical lines (46) in a swivel region of doors, comprising: first (50) and second (14) tubular portions each having a respective sleeve region with an annular cross-section and being shaped in the form of a crank, the sleeve region being joined together to rotate against one another, the first tubular portion being securable to a door (2) and the second tubular portion being securable to a door frame (4) via a knuckle (20), the first and second portions each having lead-through region (52 & 34), the first and second portions together providing a passage; wherein the sleeve region of the first portion surrounds a substantial part of the sleeve region of the second portion; wherein the sleeve regions define a rotation axis coinciding with the pivot axis of the respective door on which the device is mounted; elements (see drawing of previous office action) preventing axial shifting of the sleeve region of the first portion disposes at the sleeve region of the second portion; and at least one axial stopping element disposed at the sleeve region of the second portion and preventing an axial shift of the sleeve region of the first portion.

In regards to claims 8 and 9, the device in Peterson is fully capable of being secured to a door of a household appliance or a door selected from the group consisting of dishwashers and washing machines.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7, 12-16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson. Peterson discloses the sleeve region of the second portion (14) having an

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interior with a substantially constant diameter. Peterson discloses the claimed invention except for the limitation of the sleeve region of the first portion having a step. However, Peterson further discloses a knuckle (20) having a sleeve region and a step within the interior and receiving the second portion/hinge pin (14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the knuckle/first portion (50) in Peterson to have the features of the knuckle (20) for the purpose of providing an alternative arrangement of accommodating the flange (32) of the pin (14) and since such a modification would have merely involved a reversal of parts.

In regards to claims 19, and 20, the device in Peterson is fully capable of being used on a door of a household appliance door swivel device, wherein the appliance is selected from the group consisting of dishwashers and washing machines.

Allowable Subject Matter

Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed November 4, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Peterson does not disclose a device for leading and holding electrical lines in a swivel region of doors, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the

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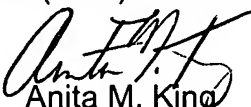
prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The device in Peterson is fully capable of meeting the intended use of applicant's claimed invention, the electrical lines are not cited as positive limitations of the claimed invention, and thus, Peterson only need be capable of meeting the functional limitations cited in lines 10-12 of claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

January 23, 2006